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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,649	04/27/2001	Makoto Kurokawa	Q64317	7676

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

09/842,649

Applicant(s)

KUROKAWA, MAKOTO

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/3/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on April 27, 2001.

Claims 1-11 are currently pending in this application.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on July 3, 2003 is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. In claim 1 and claim 8 the steps of the method are not clear to the Examiner. The first step is making a reservation for a facility by a user. The second step is registering data of the user in a server in order of reception. Step 3 is updating data identified as "giving an instruction for updating the data of the facility user to said server from terminal equipment on a side of the facility via the communication channel." It is unclear to the Examiner whether the facility is providing updated data to the user or is the users information being updated to the facility? The next step is updating the data of the facility user. It is unclear whether the facility data ever gets updated and if so, when or how?
5. It is also unclear where the instruction for updating the data is coming from.

Claims 2-7 read on claim 1 and claims 9-11 read on claim 8.

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6. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant states in the preamble of claims 5-7 that the invention is *a method of checking the wait time of facility utilization* as in claim 1. However, claim 1, in the preamble, identifies the invention as *a method of making a reservation for facility utilization*. Therefore, it is unclear to the Examiner what the applicant is claiming as applicant's invention in claims 5-7.

7. Claims 5-7 and 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear to the Examiner how the wait time data is determined? Does the computer calculate the times or does a receptionist manually entered the data?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 5-8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Waytena et al (US 6,748,364) (hereinafter referred to as Waytena).

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Regarding Claim 1:

Waytena discloses method of making a reservation for facility utilization (col. 1, lines 13-15 and col. 4, line 66- thru col. 5, line 5) comprising the steps of:

making a reservation for facility utilization from terminal equipment on a side of a facility user (col. 2, lines 51-54) (col. 20, lines 24-40);

registering data of the facility user in a server (101) in order of reception in response to said reservation for facility utilization received via a communication channel (col. 3, lines 16-32, - virtual queue, col. 20, lines 41-48, col. 20, line 55-62);

giving an instruction for updating the data of the facility user to said server (101) from terminal equipment on a side of the facility via the communication channel (col. 2, lines 36-42 and 58-63, col. 3, lines 16-32 and lines 54-60, col. 20, lines 44-48); and

updating said instructed data of the facility user in said server (col. 3, lines 16-32, col. 20, line 44-48).

Regarding Claim 2:

Waytena discloses a method of making a reservation for facility utilization further comprising the step of canceling own reservation from said terminal equipment on the side of the facility user (col. 3, lines 50-51)

Regarding Claim 5-7:

Waytena discloses a method of checking the wait state of facility utilization further comprising:

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transmitting data of waiting time of the facility user registered in said server from said terminal on the side of the facility to said server via the communication channel (col. 2, lines 36-42, col. 3, lines 34-38), and

registering said data of waiting time of the facility user in said server (col. 3, lines 54-56).

Regarding Claim 8:

Waytena discloses a method of checking the wait state of facility utilization comprising the steps of:

making a reservation for facility utilization from terminal equipment on a side of a facility user (col. 2, lines 51-58, col. 3, lines 16-17);

registering data of the facility user in a server (101) in order of reception in response to receiving said reservation for facility utilization via a communication channel (col. 3, lines 16-32 –virtual queue),

giving instruction for updating the data for the facility user to said server from terminal equipment on a side of a facility via the communication channel (col. 2, lines 36-42 and 58-63, col. 3, lines 16-32 and lines 54-60);

updating said instructed data of the facility user; and

browsing (looking at, monitoring) the data of the facility user registered in said server from said terminal equipment on the side of the facility user (col. 2, lines 58-62).

Regarding Claims 10 and 11:

A method of checking the wait state of facility utilization further comprising:

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transmitting data of waiting time of the facility user registered in said server from said terminal on the side of the facility to said server via the communication channel (col. 2, lines 36-42, col. 3, lines 34-38), and

registering said data of waiting time of the facility user in said server (col. 3, lines 54-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena as applied to claims 1 and 8 above, and further in view of Crici et al (US Patent 2002/0027580) (hereinafter referred to as Crici).

Regarding Claims 3, 4 and 9:

Waytena discloses a method wherein the reservation made from the terminal equipment on the side of the facility user and the instruction for updating the data of the facility user given from said terminal equipment on the side of the facility (col. 2, lines 16-32 and 58-63, col. 3, lines 16-32 and 54-60).

Waytena does not disclose this being performed via home pages on the Internet.

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However, Crici discloses method wherein the reservation schedulings are performed via home pages on the Internet (abstract, page 1 [0001]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the disclosure of Waytena the teachings of Crici because the system would advantageously provide the service provider with the ability to continually update and modify an appointment schedule and by being linked to the Internet, permitting the visual displays of the system at any service provider's location and at remote locations where the system is accessed.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsumura discloses an online service reservation system which updates turn and waiting time information contained in a web page display.

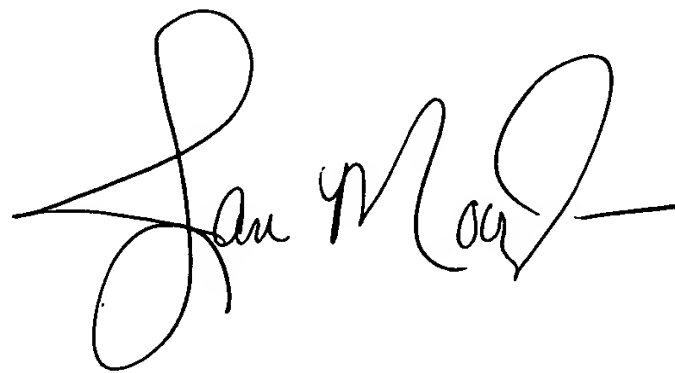
New Straits Times discloses a website which provides a platform for guests of a hotel to access information and to be able to confirm and update reservations.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jan Mooneyham". The signature is stylized with large loops and a long horizontal stroke at the end.

Jan Mooneyham  
Patent Examiner  
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